



U.S. Department of Justice

Office of the United States Trustee

*Districts of Maine, Massachusetts,
New Hampshire and Rhode Island*

*One Exchange Terrace, Suite 431
U.S. Court house
Providence, RI 02903*

Direct Tel 401-528-5552

Telephonic 341 meeting of creditors during Covid-19 Emergency

Instructions for Testifying Debtors and Counsel

- *Please call in promptly (only during time scheduled).*
- *Mute your telephone until your case is called.*
- *Call in number and passcode will be on docket 3 days before meeting.*
- *Ensure Debtor has read Bankruptcy Information Sheet before meeting.*

No later than one day prior to the Designated Meeting time, the debtor and/or their counsel are required to email the trustees with an imaged copy of the debtor's photo identification **and** proof of the debtor's social security number ("Identification Documents") A copy of the Debtor's identification and proof of social security number must be provided to the trustee via a secure method, i.e., portal, encrypted email, etc. Identification Documents shall be those documents deemed acceptable in accordance with current applicable procedures.

Telephonic appearances shall be conducted in accordance with current applicable procedures for telephonic meetings. Accordingly, a Declaration Regarding Administration of Oath and Confirmation of Identity and Social Security Number form shall be completed by the individual performing this function and transmitted to the trustee immediately following the meeting (attachment #1).

Alternatively, if compliance with the procedures set forth above are not possible or practical under these emergent circumstances, the debtor's attorney may submit prior to the time of the scheduled meeting a declaration confirming that: (1) the attorney met with the debtor in-person; and (2) the attorney examined and verified the debtor's original identification documents and social security number. In such situations, upon notification by the debtor and/or their counsel that they are using the alternate procedures, the trustee will administer the oath telephonically at the commencement of the 341 meeting. (attachment #2).

**DECLARATION REGARDING ADMINISTRATION OF OATH AND
CONFIRMATION OF IDENTITY AND SOCIAL SECURITY NUMBER**

In re: (Case Name) _____

Bankruptcy Case No. _____

Date of telephonic appearance at § 341(a) meeting of creditors: _____

I declare as follows:

1) My name is : _____
(Print or type)

2) My work address is: _____

3) My work telephone number is: (____) _____

4) The address from where I participated in the § 341(a) meeting of creditors is:

5) I am a person authorized to administer oaths in the State of _____, by virtue of the following fact:

_____ I am a notary

_____ I am a court reporter

_____ I am a judicial officer

_____ I am authorized to give an oath under the Code of Military Justice

_____ Other: _____

(Give title and **legal authority** for power to administer oath)

6) I personally verified the identity of the debtor(s) by checking his/her/their original photo identification(s):

_____ Driver's License (State & number last four digits) _____

_____ State Identification (State & number last four digits) _____

_____ Passport (Country, number, expiration date last four digits) _____

_____ Military Identification (Branch & ID number last four digits) _____

_____ Other (describe) _____

7) I personally inspected the following original document as proof of the social security number of the debtor(s) and orally confirmed it with the trustee:

_____ Social Security Card

_____ Social Security Administration Statement

_____ W-2 Form

_____ Recent Payroll Stub

_____ Employer's Health Card or Medical Insurance Card

_____ Other (specify) _____

8) On _____, I did administer an oath to the debtor(s), prior to the trustee commencing
(Date)
the questioning of the debtor(s) for the telephonic meeting of creditors of the debtor(s).

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____ Signature: _____

**ATTORNEY DECLARATION REGARDING CONFIRMATION OF
DEBTOR IDENTITY AND SOCIAL SECURITY NUMBER**

(For use at telephonic 341 meeting of creditors)

In re: _____ Bankruptcy Case No. _____

Date of telephonic appearance at § 341(a) meeting of creditors: _____

I swear as follows:

1) My name is: _____
(Print or type)

2) My address is: _____

3) I met with the debtor(s) in-person; and I examined and verified the debtor(s) original identification documents and they are consistent with what was submitted. The photo identification I have been provided to prove the above debtor (s) identity is as follows:

(Please complete blanks AND attach copies)

____ Drivers License (*State & number last 4 digits*) _____
____ State Identification (*State & number last 4 digits*) _____
____ Passport (*County, number last 4 digits, Expiration Date*) _____
____ Military Identification (*Branch & ID number last 4 digits*) _____
____ Legal residence alien card (*number last 4 digits*) _____
____ Other (*Describe, attach copy*) _____

4) The last four digits of the debtor's social security number are: ____ _

5) The proof of social security number I reviewed is as follows:

(Please attach a copy if available)

____ Social Security Card
____ W2 Form
____ Recent payroll earnings statement
____ Employers health card
____ Other (*document which shows name and social security number*)

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated

Signature

(Please return this form to the Chapter 7 or Chapter 13 Trustee assigned in this case.)

BANKRUPTCY INFORMATION SHEET

BANKRUPTCY LAW IS A FEDERAL LAW. THIS SHEET PROVIDES YOU WITH GENERAL INFORMATION ABOUT WHAT HAPPENS IN A BANKRUPTCY CASE. THE INFORMATION HERE IS NOT COMPLETE. YOU MAY NEED LEGAL ADVICE.

WHEN YOU FILE BANKRUPTCY

You can choose the kind of bankruptcy that best meets your needs (provided you meet certain qualifications):

Chapter 7 - A trustee is appointed to take over your property. Any property of value will be sold or turned into money to pay your creditors. You may be able to keep some personal items and possibly real estate depending on the law of the State where you live and applicable federal laws.

Chapter 13 - You can usually keep your property, but you must earn wages or have some other source of regular income and you must agree to pay part of your income to your creditors. The court must approve your repayment plan and your budget. A trustee is appointed and will collect the payments from you, pay your creditors, and make sure you live up to the terms of your repayment plan.

Chapter 12 - Like chapter 13, but it is only for family farmers and family fishermen.

Chapter 11 - This is used mostly by businesses. In chapter 11, you may continue to operate your business, but your creditors and the court must approve a plan to repay your debts. There is no trustee unless the judge decides that one is necessary; if a trustee is appointed, the trustee takes control of your business and property.

If you have already filed bankruptcy under chapter 7, you may be able to change your case to another chapter.

Your bankruptcy may be reported on your credit record for as long as ten years. It can affect your ability to receive credit in the future.

WHAT IS A BANKRUPTCY DISCHARGE AND HOW DOES IT OPERATE?

One of the reasons people file bankruptcy is to get a "discharge." A discharge is a court order which states that you do not have to pay most of your debts. Some debts cannot be discharged. For example, you cannot discharge debts for most

- taxes;
- child support;
- alimony;
- most student loans;
- court fines and criminal restitution; and
- personal injury caused by driving drunk or under the influence of drugs.

The discharge only applies to debts that arose before the date you filed. Also, if the judge finds that you received money or property by fraud, that debt may not be discharged.

It is important to list all your property and debts in your bankruptcy schedules. If you do not list a debt, for example, it is possible the debt will not be discharged. The judge can also deny your discharge if you do something dishonest in connection with your bankruptcy case, such as destroy or hide property, falsify records, or lie, or if you disobey a court order.

You can only receive a chapter 7 discharge once every eight years. Other rules may apply if you previously received a discharge in a chapter 13 case. No one can make you pay a debt that has been discharged, but you can voluntarily pay any debt you wish to pay. You do not have to sign a reaffirmation agreement (see below) or any other kind of document to do this.

Some creditors hold a secured claim (for example, the bank that holds the mortgage on your house or the loan company that has a lien on your car). You do not have to pay a secured claim if the debt is discharged, but the creditor can still take the property.

WHAT IS A REAFFIRMATION AGREEMENT?

Even if a debt can be discharged, you may have special reasons why you want to promise to pay it. For example, you may want to work out a plan with the bank to keep your car. To promise to pay that debt, you must sign and file a reaffirmation agreement with the court. Reaffirmation agreements are under special rules and are voluntary. They are not required by bankruptcy law or by any other law.

Reaffirmation
agreements-

- must be voluntary;
- must not place too heavy a burden on you or your family;
- must be in your best interest; and
- can be canceled any time before the court issues your discharge or within 60 days after the agreement is filed with the court, whichever gives you the most time.

If you are an individual and you are not represented by an attorney, the court must hold a hearing to decide whether to approve the reaffirmation agreement. The agreement will not be legally binding until the court approves it.

If you reaffirm a debt and then fail to pay it, you owe the debt the same as though there was no bankruptcy. The debt will not be discharged, and the creditor can take action to recover any property on which it has a lien or mortgage. The creditor can also take legal action to recover a judgment against you.

IF YOU WANT MORE INFORMATION OR HAVE ANY QUESTIONS ABOUT HOW THE BANKRUPTCY LAWS AFFECT YOU, YOU MAY NEED LEGAL ADVICE. THE TRUSTEE IN YOUR CASE IS NOT RESPONSIBLE FOR GIVING YOU LEGAL ADVICE.

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